



Reauthorization, BIF and Reconciliation

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TERMS

Transportation Reauthorization
Surface Transp Reauth Act (STRA)

Normal Transportation bill
Covers 5 years of policy and spending
House INVEST and Senate STRA

**Bipartisan
Infrastructure Package
(BIF)**

Originally American Jobs Plan
One time investment in physical
infrastructure
Deal with 22 Senators and White House

Human Infrastructure- child care, etc.
Dem only through reconciliation

Biden American Families plan



REAUTHORIZATION VS BIF

Transportation Reauthorization Surface Transp Reauth Act (STRA)

Happens every 5-7 years

Focused on transportation only

Funding and policy for 5 years
Reauthorizes gas tax

Congress has legislative text/ been
debating for 3 years

Bipartisan Infrastructure Package (BIF)

One time infusion of cash
Includes water, broadband, power, etc.
Light on policy (temporary)

Response to Biden American Jobs Plan

Agreement on high level #s
Text being debated this week.



BIDEN/SCHUMER GOAL

**Combine Reauth and BIF and
Vote on them within the next 3 weeks**
Congress supposed to be on recess/ home district starting
August 6th

AND pass Budget Resolution - first step in Reconciliation

Biden- 'No double dipping'

ie- No physical infrastructure in human infrastructure (reconciliation bill)



BIPARTISAN INFRASTRUCTURE FRAMEWORK (BIF)





BIPARTISAN GROUP

Richard Burr (R-NC),
Bill Cassidy (R-LA),
Susan Collins (R-ME),
Chris Coons (D-DE),
Lindsey Graham (R-SC.),
Maggie Hassan (D-N.H.),
John Hickenlooper (D-CO),
Mark Kelly (D-Ariz.)-EPW
Angus King (I-Maine),
Joe Manchin (D-W.V.),
Jerry Moran (R-KS.)-B
Lisa Murkowski (R-AK)

Rob Portman (R-OH),
Mitt Romney (R-UT),
Mike Rounds (R-S.D.)-B
Jeanne Shaheen (D-N.H.),
Kyrsten Sinema (D-AZ),
Jon Tester (D-MT),
Thom Tillis (R-N.C.), -B
Mark Warner (D-VA.) -B
Roger Wicker (R-MS)-EPW
Todd Young (R-IN).

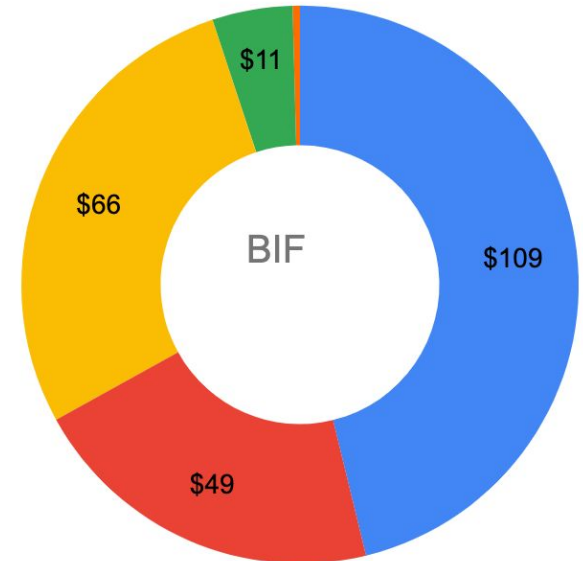
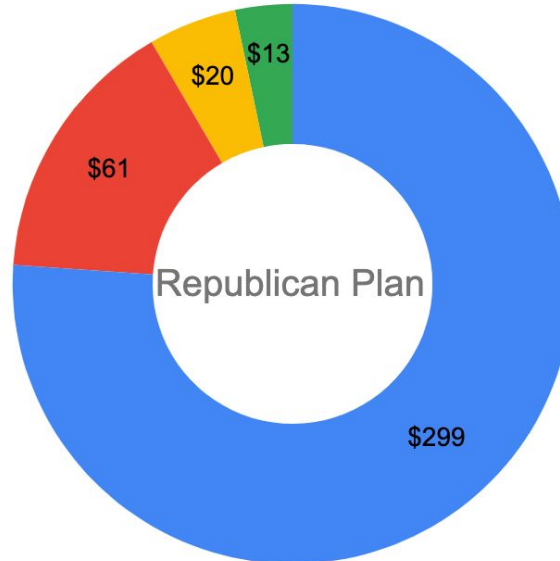
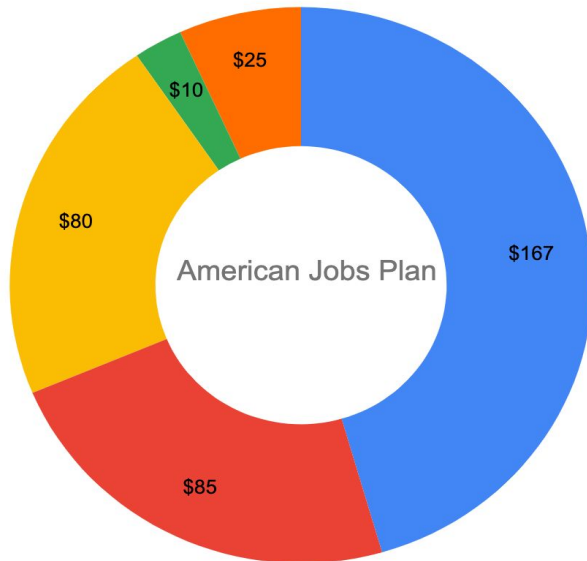


FUNDING LEVELS - DECIDED

Transportation Infrastructure	American Jobs Plan	Republican plan	BIF (incl some STRA “new”)
Roads and Bridges	\$167	\$299	\$109
Transit	\$85	\$61	\$49
Rail	\$80	\$20	\$66
Safety (excluding HSIP)*	\$10	\$13	\$11
Reconnecting Communities	\$25	\$0	\$1



COMPARING PLANS



- Roads and Bridges
- Transit
- Rail
- Safety (excluding HSIP)*
- Reconnecting Communities



WHAT HAS TO BE DECIDED

1- Overall funding levels and ‘new funding’

For Roads and Highways new money = ~\$60 billion

2- Decide how that money will be spent / Pay-fors

Will they create new programs?

Where does the funding come from? IRS? COVID Relief?

3- Turn that into Legislative language

Senators deciding this -

Bipartisan group that made the agreement

Not necessarily the Committee members who wrote the STRA



BIPARTISAN GROUP

EPW (Roads)

Roger Wicker (R-MS)
Mark Kelly (D-AZ)
Lindsey Graham (R-SC.)

Banking (Transit)

Mike Rounds (R-S.D.)
Thom Tillis (R-N.C.)
Mark Warner (D-VA.)
Jerry Moran (R-KS.)

Commerce (rail, safety)

Roger Wicker (R-MS)
Kyrsten Sinema (D-AZ),
Jon Tester (D-MT),
John Hickenlooper (D-CO),
Todd Young (R-IN).
Jerry Moran (R-KS.)-B

Finance

Mark Warner (D-VA.)
Rob Portman (R-OH),
Maggie Hassan (D-N.H.)
Richard Burr (R-NC),
Bill Cassidy (R-LA),



CONTENT- HIGHWAYS/ROADS

AJP

Roads and Bridges

“Fix it Right” policy

20,000 miles of roads

10,000 bridges

Other programs

Transportation Alternatives

Community block grants

CMAQ

HSIP/ Safety- Safe Streets for All

Electrification

Transit, School buses

EV Stations

BIF

Significant investment in bridges

Investment in Electric Vehicles

Funding through STRA



WHAT DOES THAT MEAN FOR BIKE PED

American Jobs Plan

- Had \$15 billion for bike/ped
 - \$ 5 billion for Transportation Alternatives
 - \$10 billion for Safe Streets for All

BIF Negotiators

- Not the same support for bike/ped as EPW or T&I bill
- Push back that EPW bill goes to far.

Likely-

- Some portion of funds that go through STRA funding



POLICY DEBATES

Transit-

- Since early 90s- deal 80/20 out of HTF
- Republicans want to break that in the BIF

Complicated because NO transit title in Reauthorization

BIF agreement has \$47 billion for Transit

- more than 20% of BIF
- BUT when combined with reauth EPW title, not 20%

Other issues

- Water Infrastructure

Pay- Fors



THIS WEEK - FAILED VOTE

Majority Leader Schumer called a vote Weds to start debate

- Not unheard of process, but lack of trust
- Called it to create a timeline

Delayed Gratification?

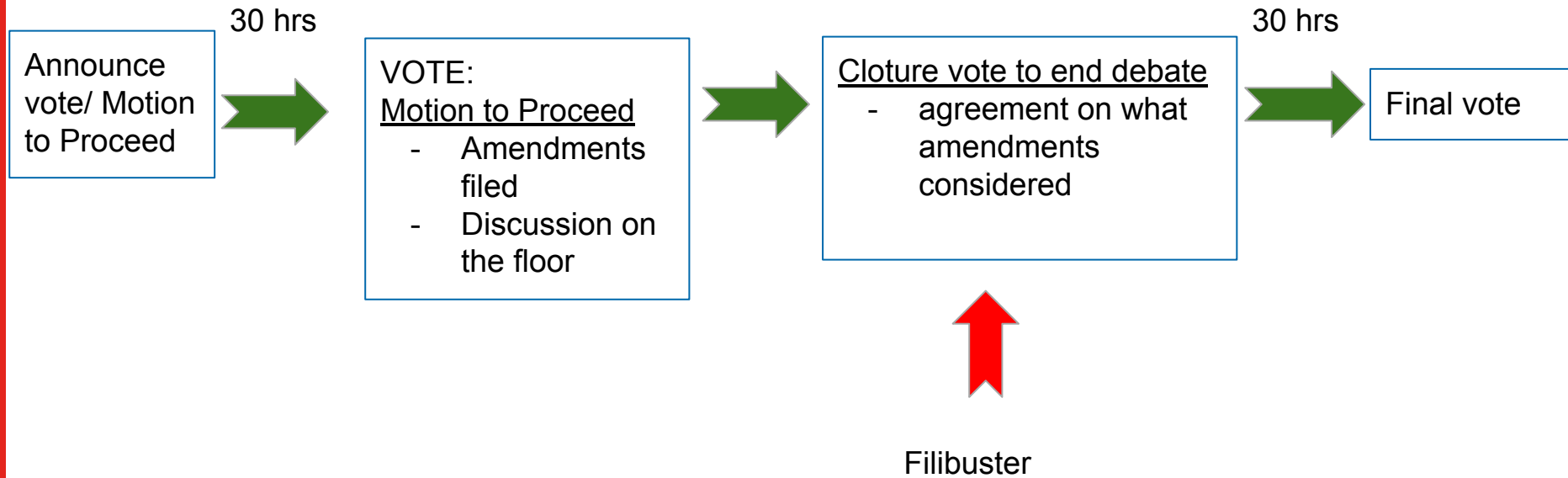
- 11 Republicans signed a letter that if they are further along in the process next week, they will vote to start to debate.

Next Steps

- Current pay fors are with the Congressional Budget Office
 - Will know what that estimate is soon. continue debate from there.



SENATE PROCEDURE



Other option for non- controversial issues: unanimous consent



SURFACE TRANSPORTATION REAUTHORIZATION ACT



REAUTHORIZATION LEGISLATIVE TIMELINE

SENATE

Committee process

- EPW- Highways ✓
- Banking, HUD- Transit
- Commerce- Safety ✓
- Finance- funding

Senate floor vote



Senate floor vote

HOUSE

Committee Process

- Transportation & Infrastructure - policy
- Energy & Commerce- Vehicle safety
- Ways & Means- funding

House floor vote ✓

House floor vote

Conference Committee

President Signs



WHAT HAS TO HAPPEN -STRA

Transit title -

Banking, HUD Committee been working on it for 4-5 months.

Can't find bipartisan agreement

Dem leadership could add Dem only title

Could complicate bipartisan nature of overall reauth



Sen. Pat Toomey
(R-PA)

Finance title

- Determines pay fors
- Complicated by bipartisan deal b.c that group incharge of those payfors
- NOT likely to include a tax section
 - Bicycle Commuter Benefit and EBIKE rebate



HOW DOES BIF AFFECT REAUTH

Bipartisanship is struggling

Republicans don't like payfors

Democrats are concerned it is backsliding on policy.

If it passes Senate may try to jam the House

In order to keep package bipartisan House will need to pass as is.

IF STRA attached

Will it be conferenced with INVEST?

Will it be ping-ponged





HOUSE RESPONSE- Chair DeFazio and Speaker Pelosi



CHAIRMAN DEFAZIO

Committed to INVEST in America Act

- Insisting on conferencing the bills
- Outwardly critical of EPW bill
- Dear Colleague
 - Member Designated projects
 - Climate (\$30 vs. \$18 b)
 - EV (\$40 vs \$2.5b)
 - Active Transportation (\$10b vs. \$7.2b)**
 - Equity proposals
 - Tribes
 - Transit (\$109 vs ???)
 - Rail (\$100 b vs. 36)
 - Labor
- Getting support from Committee members and Majority Leader Hoyer



SPEAKER PELOSI

No floor vote on Infrastructure bill until:

- Senate passes BIF and reauth
- Senate passes Budget Resolution AND reconciliation.



RECONCILIATION- 3 STEP PROCESS

1. Budget Resolution

- Set top line number (\$3.5 Trillion)
- Decide how much each Committee gets

Schumer's goal
pre- August
Recess

2. Committees decide how to spend their portion

3. The Committee bills are combined into a Reconciliation bill



SPEAKER PELOSI

Why?

- Pelosi wants the human infrastructure to happen
 - Budget resolution isn't enough-- too uncertain.
- This forces President Biden (and Senate) to get it done if they want infrastructure.

What that means for infrastructure

- Gives DeFazio more time to negotiate with BIF
-





IF BIF Fails

Can reauth go forward?

Can infrastructure projects be added to Reconciliation?

- yes but likely under the \$3.5 T ceiling
- Makes Transportation compete with Education, child care, etc.
- No policy



DEADLINES

August 6th

- Senate breaks for recess
- Work behind the scenes but no votes

September 30th

- End of fiscal year
- FAST Act Expires (and gas tax authorization)
- Budget Expires

October/ November

- Debt ceiling hit

-





OVERALL COMPARISON- Funding

Overall bill	FAST Act (Current)	House INVEST in America Act	Senate STRA
Highway/roads	\$225	\$319	\$311 (+ 60 b?)
Transit	\$ 61	\$109	
Rail	\$10	\$95	\$34



OVERALL COMPARISON

House

- Not Bipartisan
- Adds ppl centric, limits autocentric
 - Climate goal with teeth
 - Limits new capacity
- 1st year status quo funding earmarks
- Big Increases next 4 years

Senate

- Bipartisan
- More ppl centric, doesn't really limit autocentric
- Significant new climate integrated throughout
- New rural programs
- Mix of local control and state flexibility



ACTIVE TRANSPORTATION

Priorities	House INVEST	Senate STRA	Differences?
Transportation Alternatives	✓	✓	Same language
Connecting America's AT	✓	✓*	Same language (slight funding difference)
Safety	✓	✓	Similar goal, different method
Complete Streets Standards	✓	✓	Who develops standards? FHWA vs. States

Language that is the same in both bills means it will be in final bill.

Assuming the language is not changed or removed in full chamber vote, it should be safely in final bill.

Language in one bill will have to be fought for.



INCREASED FUNDING FOR BIKE/PED

Program	FAST Act	House INVEST	Senate STRA
Transportation Alternatives	\$ 4.2 b	7.05 b (1st year current funding)	7.2 b
Safety	~\$200 million	~ \$1 b	~\$1.6 b
Safe Streets for All	N/A	\$2 b	N/A
Connecting America's Active Transportation	N/A	\$1 b	\$1 b



TRANSPORTATION ALTERNATIVES



TRANSPORTATION ALTERNATIVES-FUNDING

	Current	Ask - TA Enhancement Act	HOUSE INVEST	SENATE STRA
Funding	\$850 m/yr	10% of STBGP	Included	Included
Funding breakdown	50% State/ 50% by Pop	34% State/ 66% Population	34% State/ 66% Population	41% State/ 59% Population
Transfer-ability	50% Transfer	require states to: <ul style="list-style-type: none">- Let LG apply- Offer TA- Certify no worthy application unfunded	Included	Included



TA- STATE FLEXIBILITY

	Current	Ask	House INVEST	Senate STRA
Technical assistance/ staff	n/a	5% technical assistance	Included	included
local match- safety projects	20% local match per project	Can use safety \$\$ for local match	Included	included
Local Match flexibility	20% local match	states can meet 20% local match at project or program level	Included	Included
Suballocate to LG	n/a	Allow states to suballocate up to 100%	Included	Included



TA- LOCAL CONTROL

Local Control	Current	Ask	House INVEST	Senate STRA
Small MPOs eligible	no	Makes small MPOs eligible	Included	Included
Large MPO obligation authority	No	Gives large MPOs obligation authority/ allows them to sign contract	Included	Included
State allowed to apply	No	Only when LG asks for help	Included	Included



OTHER TA CHANGES

Transparency	Current	Ask	House INVEST	Senate STRA
Require states to report on TA projects	Includes reporting in bulk	Require project list and current stage of each project	Included.	Included
Equity				
Prioritization of projects based on equity concerns	no	Prioritize projects whose location or impact helps high need communities	Included	Included



TA- ADD'L CHANGES

House bill - Project Delivery

- Directs Secretary to find solutions to improve and simplify permitting process
- for projects that are small, low impact, and constructed within an existing built environment.

Because this is only in the House bill
it is vulnerable.



CONNECTING AMERICA'S ACTIVE TRANSPORTATION



CONNECTING AMERICA'S ACTIVE TRANSPORTATION ACT (CAAT)

House Bill

Funded for 4 years at \$250m/year

Senate bill

- Authorized but not funded under HTF
 - Could be funded under appropriations/ budget process
- It passed with one Republican (Sullivan- Alaska) joining all the Democrats.

The Senate Amendment makes it easier to get the program in a conference committee



CAAT DEFINITIONS

Active Transportation Network

Facilities built for active transportation, including sidewalks, bikeways, and pedestrian and bicycle trails, that connect between destinations within a community or metropolitan region.

- At least 30% of funding

Active Transportation Spine

Facilities built for active transportation, including sidewalks, bikeways, and pedestrian and bicycle trails that connect between communities, metropolitan regions, or States.

- At least 30% of funding

\$3 million for planning grants



CAAT

Grant program

- Will fund communities to plan and build networks between destinations
- Minimum grant = \$100K for planning, \$15 million for construction

Applications based on:

- Plan to “substantially increase biking and walking”
 - Networks to and between destinations
 - Spines between communities
- Address inequities in safety and access for low-income and communities of color
- Communities commitment to safety, design and bike/ped access and safety



CONNECTING AMERICA'S ACTIVE TRANSPORTATION



SAFETY

Both Bills include

- Vulnerable Road User Safety Assessments
- Set aside funding for states with high rates of VRU fatalities
- Safe Systems
- FHWA Action





VULNERABLE ROAD USER SAFETY ASSESSMENT

Both House and Senate include VRU Safety Assessment

- Both require ALL States to do
- House (MPOs required to get funding)

Contents

- Analysis of all fatalities and serious injuries (FSI)
 - Including location, design speed
 - Senate - (roadway functional classification, demographics)
- Identification of High risk areas
- List projects and strategies to address



VRU INCREASED FUNDING- House

House-

Ranks states based on fatalities and serious injuries per capita

- Those above the median
- Must obligate funds to address safety
- Projects identified in VRU safety assessment

Funding = Roughly ~\$247 million/year

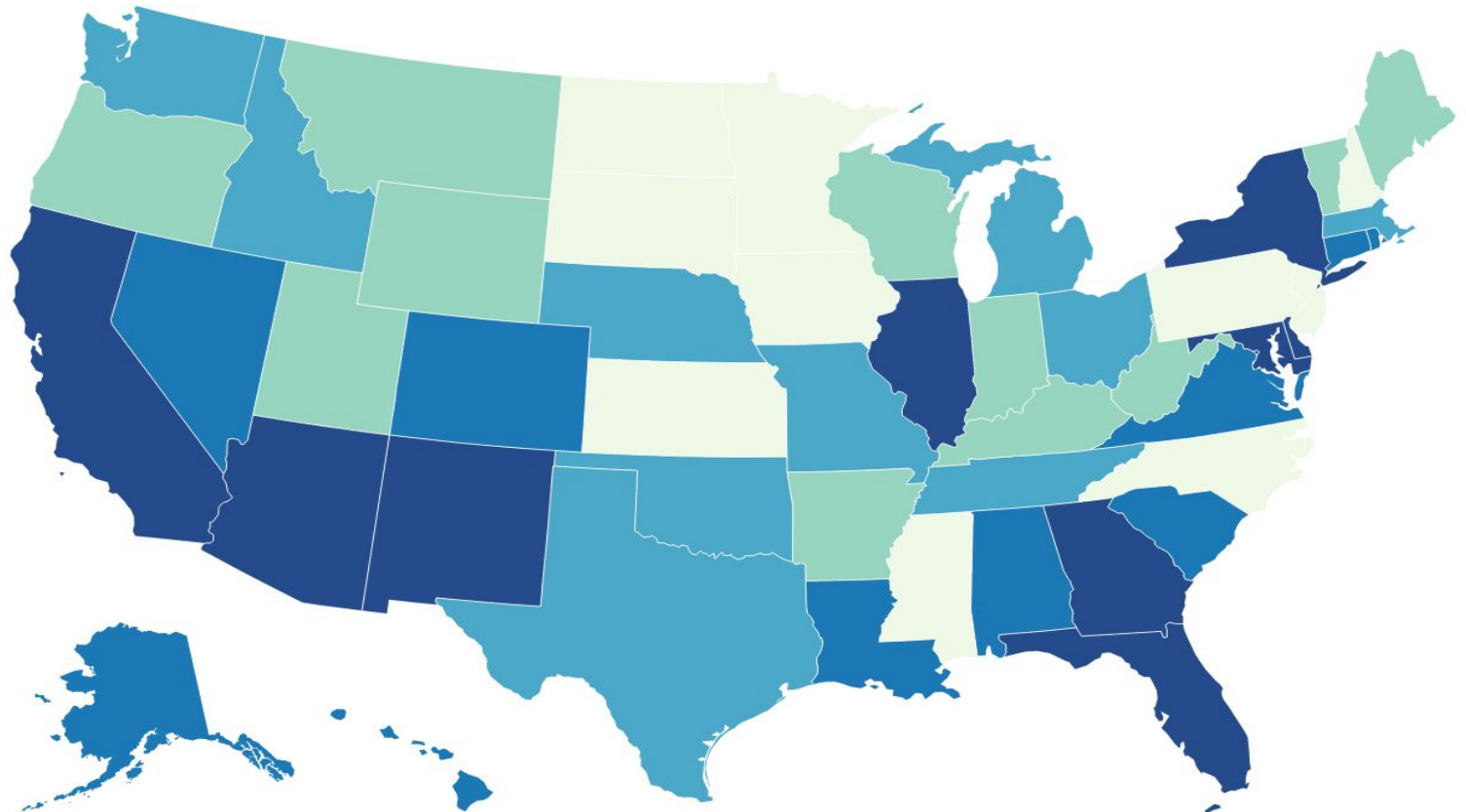
MPOs with above average fatalities

- States would be required to invest in safety
- MPO must do VRU safety assessment to get funding



VRU SAFETY INVESTMENT-House

Non Motorized fatalities and serious injuries per capita

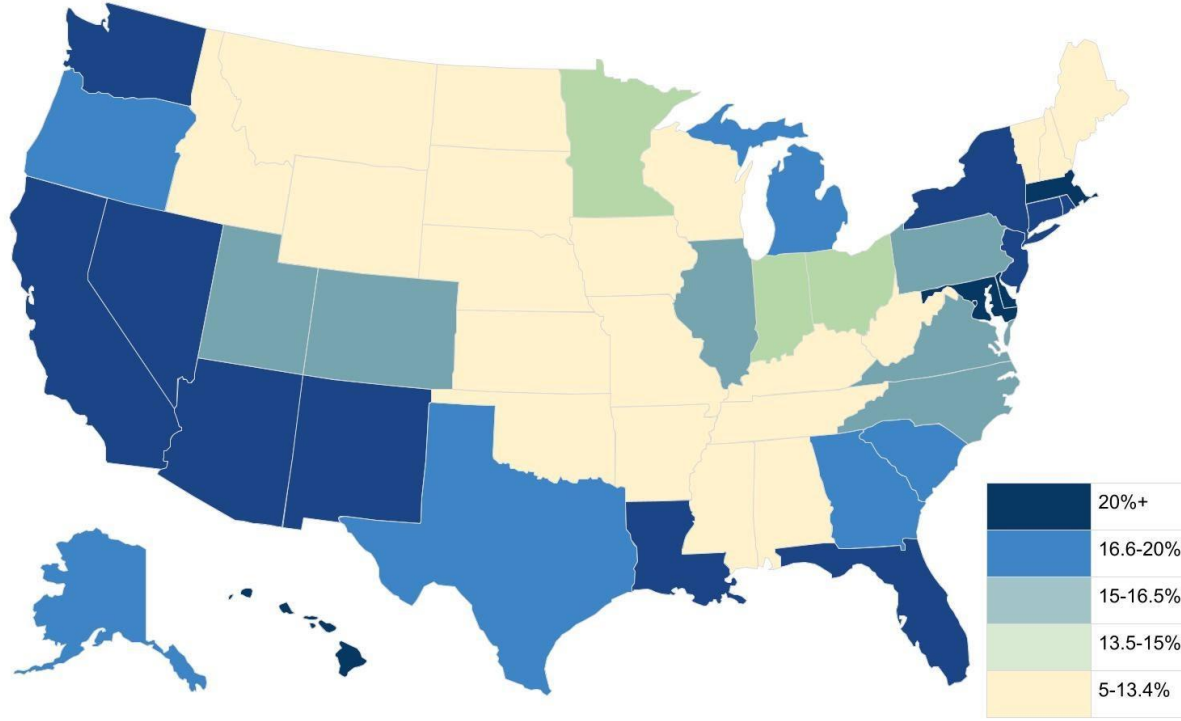


National definition of serious injury activated in 2019



VRU SAFETY INVESTMENT- Senate

**% OF HIGHWAY FATALITIES THAT
ARE BIKE/PED 2016-2018**



States with 15% or more of their overall traffic fatalities are VRU must spend 15% of Highway Safety Funds on VRU Safety

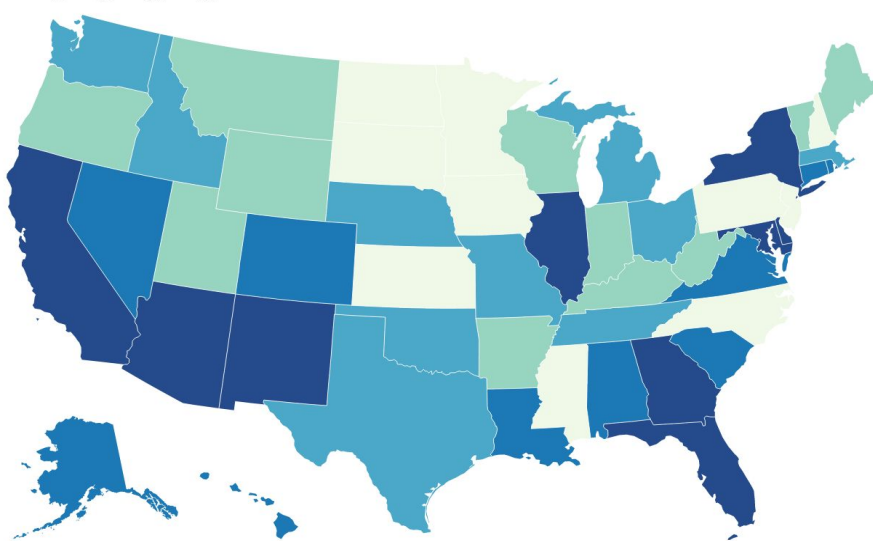


HOUSE VS SENATE

In both maps- darker blue means state would need to invest
The method will need to be worked out in Conference committee

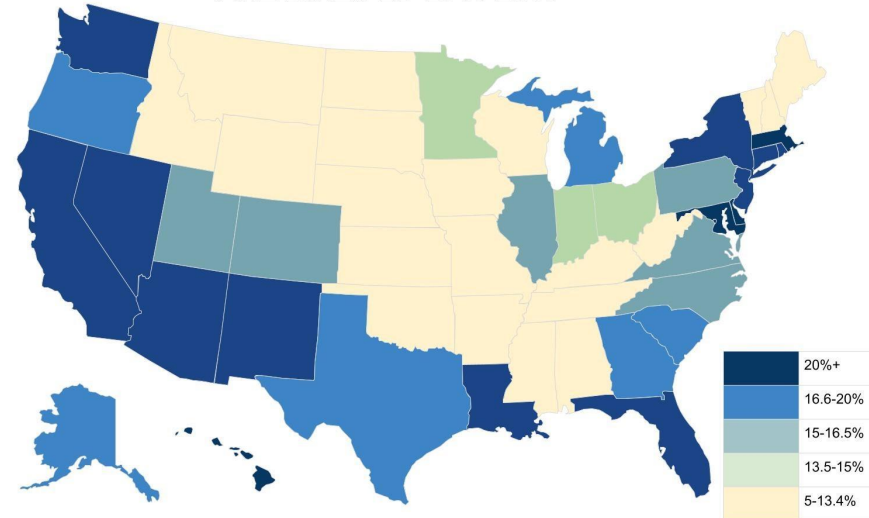
HOUSE

Non Motorized fatalities and serious injuries per capita



SENATE

% OF HIGHWAY FATALITIES THAT ARE BIKE/PED 2016-2018





COMPARING FUNDING

	House INVEST	Senate STRA
Trigger	FSI per capita	15% of overall fatalities
States affected	25 - Those above median	27 (variable)
Funding level	\$247 m/year	\$321m/year
MPO funding?	½ of TA suballocation	N/A



SAFE SYSTEMS

Both bills revise Highway Safety Improvement Program (HSIP)

- Require VRU assessment in the Strategic Highway Safety Plan
 - BFS Actions is for biking safety to be listed as emphasis area
- Integrates safe systems

SENATE - goes a step further to fully integrate VRU safety

- CURRENT LAW: *An intersection safety improvement*
- STRA: *An intersection safety improvement that provides for the safety of all road users, as appropriate, including a multimodal roundabout*



FHWA ROLE - Senate

Requires FHWA to create research plan to develop

- Roadway designs
- Safety Countermeasures

Which improve safety AND promote bicycling and walking

Focus on how the following affect safety and rates of bicycling and walking:

- Roadway safety improvements, including traffic calming and VRU accommodations on suburban arterials
- Traffic speeds
- Access to low stress corridors
- Tools to evaluate the impact of infrastructure on safety and use of bicyclists and pedestrians



FHWA ROLE - House

Nationwide Road Safety Assessment

Requires FHWA District offices to assess roads for safety of VRU users

- *Must consult with:*
 - *state and local jurisdictions,*
 - *Bicycle and pedestrian advocacy organizations*
- Identify unsafe roads and high risk areas
 - Defines it a 'real or *perceived* danger'
- Identify projects and strategies to address the area

Create a national database of identified areas and solutions

Differences between VRU Safety assessment and this one italicized



**COMPLETE STREETS,
MUTCD +**



COMPLETE STREETS

	Current	ASK	House INVEST	Senate STRA
Complete Streets Policy	weak language	- Standards + guidance	FHWA- write detailed stds and guidance	States must create complete streets standards and CS prioritization plan
Funding program	No	State grant program	\$500 m/year out of Safety funds	Planning funds
Reconnecting Communities	No	Highway teardown, rebuild \$\$	yes	yes
Emergency Relief	weak language	Ability to rebuild as CS	yes	yes



SAFE STREETS FOR ALL- House

Additional Program in House HSIP Program

- Set aside of \$500m/year out of HSIP
- 100% Suballocated!

Eligible projects

- Complete Streets projects
 - Developing policies and guidance required under design requirements
- Safe Routes to School projects
- Projects identified in VRU Safety Assessment
- Or a project that provides for the safe and adequate accommodation of all users of the surface transportation network,



MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)- Senate

Good provisions

Changes purpose from-

- *“promote the safe and efficient utilization of the highways”*

To

- *“promote the safety, inclusion, and mobility of all users”*

Requires an update every 3 years

Concerning provisions

- incorporates safety regulations for AVs into MUTCD
- Directs US DOT to incorporate changes of the NCUTCD



MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)- House

House

- Changes speed limit guidance to remove 85th percentile and replace it with Safe Systems approach

Successful Garcia (D-IL) Amendment

- Change purpose to promote safety and access for all users
- Regular updates every 4 years



CMAQ

Both bills make shared micromobility eligible

Senate bill

- Prioritizes spending in low-income/ communities of color
 - Offers MPOs help to measure impact in low income and communities of color
- Requires Study to whether/how well CMAQ reduces air pollution

House Bill

- Only allows transferring of funds to Carbon Pollution Reduction program



CLIMATE

Program Purpose (names differ b/w bills)	House INVEST	Senate STRA
Resiliency	\$6,250	\$5,900 (minus local grants)
Carbon Reduction	\$8,300	\$6,410
Congestion Reduction (urban)	\$500	\$250
Electric Charging	\$4000	\$2500
Local grants -	\$1000	\$1400 (part of resiliency)
Truck/ports		\$250

Dollar amounts in millions

Does not include transit and rail provisions.



PERFORMANCE MEASURES- GHG

House

Carrot - Stick

GHG- FHWA to rank states by improvements

Top 15 states- carrot

Bottom 15 states- penalty
(must spend 10% of STP on carbon reduction)

Senate

Exempts some states from one or more measures

(Not safety)

States

- Low density
- and/or no MPO
- and No congestion issues



PERFORMANCE MEASURES- House

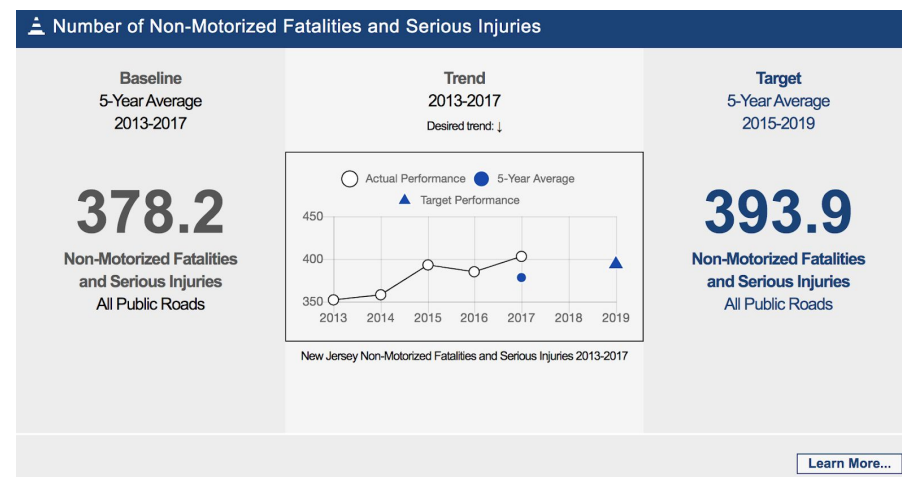
Creates Access PM

- Improve access change of access to jobs and services
 - Include all modes
 - Assess access for low-income
 - Services include health, childcare, schools, grocery stores, etc.

No Regressive Safety goals

- Must show improvement

Senate bill includes a pilot project to provide accessibility data to a number MPOs and States to test how incorporating accessibility into planning helps to meet goals





FEDERAL LANDS

Federal lands programs	FAST	House INVEST	Senate STRA
Transportation Program (FLTP)	\$1.8 billion	\$2.6 billion	\$2.2 billion
Access Program (FLAP)	\$1.3 billion	\$1.6 billion	\$1.5 billion



NHTSA PROGRAMS



NHTSA PROGRAMS

Committee of Jurisdiction

National Highway Traffic Safety Administration Programs

	Highway Safety Grants(402/405) and research	Vehicle Standards
House of Representatives	Transportation & Infrastructure	Energy & Commerce
Senate	Commerce	Commerce



VEHICLE SAFETY

3 types of language requiring action

1. Research and study (weakest, no formal public action)
2. Issue a regulatory notice for comment
3. Issue a final rule (strongest)

Safety Advocacy Organizations

- Want deadline for final rule.
- That allows them to sue



VEHICLE SAFETY AND TECH

	CURRENT	House INVEST	Senate STRA
Crash Avoidance System (CAS)	Some voluntary agreements	Defines technology Tests with VRU for AEB, Rear AEB, Blindspot detection 2 yrs for final rule	Adds a CAS but does not include VRU in the testing
Hoods and Bumpers	Research done	Requires tests and stds for crashworthiness 2 years for final rule	Same 2 years for final rule
Headlights	1969 regulation	2 years for final rule	2 years for final rule

AEB= Automatic Emergency Braking
VRU= Vulnerable Road users



VEHICLE SAFETY AND TECH

	Current	House INVEST	Senate STRA
NCAP: Crash Avoidance System	None	Forward and rear AEB, lane departure warning, blind spot warning, 1 yr to implement tests	Included, but allows DOT to pick CAS
NCAP VRU	None	Forward and rear AEB only 1 yr to implement tests	Included, but allows DOT to pick CAS
STUDY of AEB with VRU and all races and ethnicities	None	Included	N/A



BETTER CRASH DATA- Senate only

3 years to Revise Reporting on Crash data

Better disaggregate among VRU- Scooters vs. bikes

NHTSA and CDC to collaborate on crash and injury data

Create national pedestrian database for injuries and fatalities.

Grant fund for states- \$150 m/year

Equipment to upgrade a statewide crash data repository;

Adoption of electronic crash reporting by law enforcement agencies;

Increasing alignment of State crash data with the latest federal guidance



SAFE STREETS FOR ALL

**\$200 million a year grant program to develop Plans
(including Vision Zero or Toward Zero Death plan or projects.**

Eligible uses:

- develop a comprehensive safety action plan;
- conduct planning, design, and development activities for projects and strategies identified in a comprehensive safety action plan;
- carry out projects and strategies identified in a comprehensive safety action plan.

Plan definition includes goal and timeline to get to zero deaths

BUT

- Includes enforcement
 - without any equity language
- Not even language about equitable benefits.



TRANSPORTATION EQUITY CAUCUS (TEC)- 402/405

402/405- Highway Safety Grants

- Main focus is traffic enforcement
 - Also can fund education for Education, Policy Education, State Bike Summits, etc.
- Known racial and ethnic disparities in enforcement

TEC Ask

- Require states to have policy against racial profiling
- Collect demographic data on traffic stops and citations
- Expand uses to demonstration projects and enforcement alternatives
- Revise performance measures (citations issued)



402/405

Neither chamber made significant changes to programs

House created:

National Center of Excellence for Fair and Equitable Traffic Safety Enforcement (Center).

- Research and identify best practices for states
 - including 402/405
- Provide technical assistance to states participating in the Sec. 1906 Program to Prohibit Racial Profiling.
- Required to consult with relevant stakeholders including:
 - civil rights organizations,
 - traffic safety advocacy groups,
 - law enforcement representatives, .
- Authorizes \$35 million per year



TEC-

1906: PROHIBITING RACIAL PROFILING

Currently

- Funds states with laws or processes prohibiting racial profiling to collect and analyze data on traffic stops and citations
- Only 5 states take advantage of it
- Little to no guidance by NHTSA

TEC Ask

- Increase funding
- Allow funds to be used to report and analyze stops made of people biking, walking for traffic citation.
- Expand uses to include
 - Public involvement
 - Policy and process change
- Fund technical assistance
- Get rid of perverse incentive for funding



1906: PROHIBITING RACIAL PROFILING

House Bill / Senate Amendment

- Increases funding
- Adds eligible uses
 - Public outreach
 - Policy and process changes
- Senate bill- includes funds for technical assistance.

Bike/Ped Stops and Citations

- House bill includes permissive language
- Includes study on how to best include these stops in the Center for Excellence
- Included by Carbajal amendment



Rep. Salud Carbajal
(D-CA- 24)
Santa Barbara
San Luis Obispo



QUESTIONS?

Contact:

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